

# The Gazette of India



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## NOTICE

The undermentioned Gazette of India Extraordinary was published during the week ending the 5th September 1951 :—

Issue No.	No. and Date	Issued by	Subject
129	S. R. O. 1308, dated the 18th August, 1951.	Ministry of Finance.	Report of the Central Board of Directors of the Reserve Bank of India for the year July 1, 1950—June 30, 1951.

Copies of the Gazette Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

## PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

## MINISTRY OF LAW

### NOTIFICATION

*New Delhi, the 31st August, 1951*

**S.R.O. 1343.**—In pursuance of clause (b) of sub-section (2) of section 168 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

### THE SCHEDULE

- |               |                  |
|---------------|------------------|
| 1. Athgarh.   | 9. Gangpur.      |
| 2. Athmallik. | 10. Hindol.      |
| 3. Bamra.     | 11. Kalahandi.   |
| 4. Baramba.   | 12. Keonjhar.    |
| 5. Baudh.     | 13. Khandpara.   |
| 6. Bonai.     | 14. Mayurbhanj.  |
| 7. Daspalla.  | 15. Narsinghpur. |
| 8. Dhenkanal. | 16. Nayagarh.    |

17. Nilgiri.
18. Pal Lahara.
19. Patna.
20. Rairakhol.
21. Ranpur.
22. Sonepur.
23. Talcher.
24. Tigiria.
25. Kharsawan.
26. Sorakella.
27. Nandgaon.
28. Bastar.
29. Kanker.<sup>†</sup>
30. Udaipur (Madhya Pradesh).
31. Sakti.
32. Chhuikhadan.
33. Raigarh.
34. Kawardha.
35. Sarangarh.
36. Korca.
37. Khairagarh.
38. Surguja.<sup>‡</sup>
39. Jashpur.<sup>¶</sup>
40. Changbhakar.
41. Makrai.
42. Loharu.
43. Dujana.
44. Pataudi.
45. Banganapalle.
46. Pudukkottai.
47. Sandur.
48. Ambaliara.
49. Balasinor.
50. Bansda.<sup>‡</sup>
51. Baria.
52. Bhaderwa.
53. Cambay.
54. Chhota Udepur.
55. Danta.
56. Dharampur.
57. Ghodasar.
58. Ider.
59. Hol.
60. Jambaghoda.
61. Jawhar.
62. Khadal.
63. Katosan.
64. Lunawada.<sup>‡</sup>
65. Malpur.
66. Mohanpur.
67. Mansa.
68. Palanpur.
69. Punadra.
70. Radhanpur.
71. Ranasan.<sup>§</sup>
72. Rajpipla.
73. Sechun.
74. Sant.
75. Sudaana.
76. Surgana.
77. Valasna.
78. Varsoda.
79. Vasna.
80. Vijayanagar.
81. Wao.
82. Sanjeli.
83. Tharad.
84. Vakhtapur.
85. Lekhi.
86. Mandwa.
87. Dedhrota.
88. Hapa.
89. Sathanmba.
90. Umeta.
91. Magodi.
92. Palaj.
93. Tajpuri.
94. Kurundwad (Senior).
95. Kurundwad (Junior).
96. Akalkot.
97. Savanur.
98. Miraj (Senior).
99. Miraj (Junior).
100. Mudhol.
101. Phaltan.
102. Sangli.
103. Aundh.
104. Ramdurg.
105. Bhor.
106. Jamkhandi.
107. Jath.
108. Sawantwadi.
109. Wadi Jagir.
110. Janjira.
111. Baroda.
112. Kolhapur.
113. Tehri Garhwal.
114. Bonaras.
115. Rampur.
116. Cooch Behar.
117. Patiala.
118. Kapurthala.
119. Nabha.
120. Jind.
121. Faridkot.
122. Kalsia.
123. Nalagarh.
124. Malerkotla.
125. Travancore.
126. Cochin.
127. Gwalior.
128. Indore.
129. Alirajpur.
130. Barwani.

- |                      |                               |
|----------------------|-------------------------------|
| 131. Dewas (Senior). | 188. Lakhtar.                 |
| 132. Dewas (Junior). | 189. Sayla.                   |
| 133. Dhar.           | 190. Chuda.                   |
| 134. Jaora.          | 191. Vala.                    |
| 135. Jhabua.         | 192. Jasdan.                  |
| 136. Jobat.          | 193. Amarnagar (Thana Devli). |
| 137. Kathiwar.       | 194. Vadia.                   |
| 138. Khilchipur.     | 195. Lathi.                   |
| 139. Kurwat.         | 196. Muli.                    |
| 140. Narsingarh.     | 197. Bajana.                  |
| 141. Rajgarh.        | 198. Virpur.                  |
| 142. Ratlam.         | 199. Mal a.                   |
| 143. Sailana.        | 200. Kotda Sangani.           |
| 144. Sitamau.        | 201. Jetpur.                  |
| 145. Mathwar.        | 202. B Ikha.                  |
| 146. Piploia.        | 203. P. b. l.                 |
| 147. Pat' ari.       | 204. Khirasra.                |
| 148. Muhammadgarh.   | 205. Vanod.                   |
| 149. Nimkhera.       | 206. Barwala.                 |
| 150. Jamnia.         | 207. Katodia.                 |
| 151. Rajgarh.        | 208. Lodhika.                 |
| 152. Khaniadhana.    | 209. Vasavad.                 |
| 153. Alwar.          | 210. Jalia Devani.            |
| 154. Bharatpur.      | 211. Zainabad.                |
| 155. Dholpur.        | 212. Vithalgadh.              |
| 156. Karauli.]       | 213. Tharoch.                 |
| 157. Banswara.       | 214. Chamba.                  |
| 158. Bundi.          | 215. Mandi.                   |
| 159. Dungarpur.      | 216. Suket.                   |
| 160. Jhalawar.       | 217. Keonthal.                |
| 161. Kshengarh.      | 218. Sirmur.                  |
| 162. Kotah.          | 219. Baghat.                  |
| 163. Mewar.          | 220. Balsan.                  |
| 164. Partabgarh.     | 221. Bashahr.                 |
| 165. Shahpura.       | 222. Jubbal.                  |
| 166. Tonk.           | 223. Mahlog.                  |
| 167. Jaipur.         | 224. Dhami.                   |
| 168. Jaisalmer.      | 225. Bhajji.                  |
| 169. Bikaner.        | 226. Kuthar.                  |
| 170. Jodhpur.        | 227. Kumrsain.                |
| 171. Lawa.           | 228. Baghal.                  |
| 172. Kushalgarh.     | 229. Mangal.                  |
| 173. Nimrana.        | 230. Kunihar.                 |
| 174. Sirohi.         | 231. Darkoti.                 |
| 175. Nawanagar.      | 232. Sangri.                  |
| 176. Bhavnagar.      | 233. Beja.                    |
| 177. Porbandar.      | 234. Delath.                  |
| 178. Dhrangadhra.    | 235. Ratesh.                  |
| 179. Morvi.          | 236. Rawingarh.               |
| 180. Gondal.         | 237. Dhadi.                   |
| 181. Jafrabad.       | 238. Ghund.                   |
| 182. Wankaner.       | 239. Khaneti.                 |
| 183. Palitana.       | 240. Madhan.                  |
| 184. Dhrol.          | 241. Theog.                   |
| 185. L mbdi.         | 242. Koti.                    |
| 186. Rajkot.         | 243. Bhopal.                  |
| 187. Wadhwan         | 244. Bilaspur                 |

245. Kutch.	265. Bihat.
246. Tripura.	266. B'jne.
247. Manipur.	267. Dhurwai.
248. Ajaigarh.	268. Garrauli.
249. Raoni.	269. Gaurihar.
250. Baraundha.	270. Jaso.
251. Bijawar.	271. J'gni.
252. Chhatarpur.	272. Kamta Rajaula.
253. Charkhari.	273. Kothi.
254. Datia.	274. Lagasi.
255. Maihar.	275. Na gawan Rebai.
256. Nagod.	276. Pakara.
257. Orchha.	277. Paldeo (Nayagaon).
258. Pana.	278. Sarila.
259. Rewa.	279. Soh wal.
260. Samthar.	280. Taraon.
261. Al'pura.	281. Tori Fatehpur.
262. Banka Pahari.	282. Hyderabad.
263. Beri.	283. Mysore.
264. Bhaisaunda.	284. Jammu and Kashmir.

[No. 73/51-C.]

S. N. MUKERJEE, Joint Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 4th September 1951*

**S.R.O. 1344.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Delhi, the East Punjab Tractors Cultivation (Recovery of Charges) Act, 1949 (East Punjab Act XI of 1949), as at present in force in the State of Punjab subject to the following modifications, namely:—

1. Through the Act except in the short title for the word "Punjab" wherever it occurs, the word "Delhi" shall be substituted.
  2. In Section 2,
    - (i) for clause (b) the following clause shall be substituted:—  
 "(b) 'Director' means 'the Land Development Commissioner, Delhi'."
    - (ii) in clause (e) for the words "the Department of Agriculture, Punjab" the words "Land Development Commissioner, Delhi" shall be substituted.
  3. In section 8 for the words "State Government" the words "Delhi State" shall be substituted.
  4. In section 9 for the words "State Government" the words "Chief Commissioner" shall be substituted.
2. The text of the said Act, as modified is published as an annexure to the notification.

**ANNEXURE**

The East Punjab Tractors Cultivation (Recovery of Charges) Act, 1949 (East Punjab Act XI of 1949) as modified by the above notification.

## THE EAST PUNJAB TRACTOR CULTIVATION (RECOVERY OF CHARGES) ACT, 1949.

## EAST PUNJAB ACT NO. XI OF 1949.

*An Act to provide for the cultivation of certain areas by means of tractors by the Department of Agriculture, East Punjab, and for the recovery of the charges in respect of such cultivation.*

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949.

(2) It extends to the whole of the State of Delhi.

2. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “cultivator” means a person who actually cultivates the soil himself or through members of his household, or gets it cultivated by hired labour or by a tenant ;

(b) “Director” means the Land Development Commissioner, Delhi ;

(c) “prescribed” means prescribed by rules made under this Act ;

(d) “refugee cultivators” means a cultivator who on account of disturbances or the fear of such disturbances has abandoned land in the territories comprised in Western Pakistan and has been allotted any land whether temporarily or permanently in the State of Delhi. It also includes such refugee tenants who acquire ownership of land in Delhi.

(e) “tractor” means a tractor owned by or worked under the control of the Land Development Commissioner, Delhi.

(f) “tractor cultivation” includes any agricultural operation such as ploughing, harrowing, discing, sowing or harvesting which may be performed by tractors ;

(g) “tractor cultivation charges” means the charges recoverable on account of tractor cultivation

3. *Application for Tractor Cultivation.*—(1) Any cultivator may make an application in writing to the Director for having any agricultural operation performed by tractor on his land or any part of it.

(2) Such application shall be accompanied by a deposit, made in the prescribed manner, of full tractor cultivation charges according to the prescribed scale :

Provided that—

(1) In exceptional cases, Director may require only such part as he may specify of the full cultivation charges to be deposited with the application ;

(2) no such deposit shall be required from refugee cultivator.

4. *Procedure in dealing with application.*—(1) If the Director accepts an application made under section 3 he shall take all steps necessary in connection therewith.

(2) In case such application is rejected, any deposit made with the application shall be refunded in the prescribed manner to the applicant.

5. *Notice of demand.*—As soon as may be after the tractor cultivation has been completed, the Director shall in respect of such cultivation serve on the cultivator a notice of demand specifying the amount due from him after taking into account the deposit, if any, made by him.

6. *Period within which payment is to be made.*—(1) A cultivator other than a refugee cultivator, whose land has been brought under tractor cultivation on his application, shall within one month of the date of the receipt of notice of demand under section 5 pay in the prescribed manner the sums specified in such notice.

(2) A refugee cultivator shall pay in the prescribed manner the sum specified in such notice not later than the 15th of January in respect of tractor cultivation undertaken for Kharif crop, and the 15th of June in the case of such cultivation undertaken for rabi crop.

7. *Recovery of outstanding dues as arrears of land revenue.*—If any cultivator fails to make payment as specified in section 6, the sum due from him shall be recoverable as arrears of land revenue.

8. The Director may delegate any or all of his powers and functions under the Act to any officer of the Delhi State.

9. *Rules.*—(1) The Chief Commissioner may by notification make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Chief Commissioner may make rules regulating or determining all or any of the following matters :—

- (a) the mode of making a deposit under subsection (2) of section 3 ;
- (b) the scale of tractor cultivation charges ;
- (c) the mode of making a refund under sub-section (2) of section 4 ;
- (d) the manner of making payment under sub-section (1) or sub-section (2) of section 6.

[No. 20/3/51-Judl.]

R. N. PHILIPS, Dy. Secy.

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 4th September 1951*

**S.R.O.1345**—In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act 1947 (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government hereby directs that the following amendment shall be made in the Chandernagore (Application of Laws) Order, 1950, namely :—

To the entries in the Schedule annexed to the said Order the following entries shall be added, namely :—

1925 Indian Succession Act, 1925.

[No. 458-EUR I.]

U. S. BAJPAI, Under Secy.

## MINISTRY OF FINANCE

(Department of Economic Affairs)

*New Delhi, the 29th August 1951.*

**S.R.O.1346**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government declares that the provisions of section 16 of the said Act shall not apply to the Travancore Bank Ltd., the Central Banking Corporation of Travancore Ltd., and the Indo-Mercantile Bank Ltd., in so far as directors nominated by the Government of Travancore-Cochin are concerned.

[No. F. 4(112)-FI/51.]

*New Delhi, the 3rd September, 1951*

**S.R.O. 1347**—In exercise of the powers conferred by section 20 of the Indian Coinage Act, 1906 (III of 1906), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department No. D.1506-F, dated the 12th February, 1942, namely :—

In Part II of the Schedule annexed to the said Notification after entry 18 the following entry shall be added, namely :—

19. The Hyderabad State Bank, Hyderabad.

[No. F. 1(6) FI/51.]

*New Delhi, the 5th September, 1951*

**S.R.O. 1348**—In exercise of the powers conferred by section 24 of the Indian Coinage Act, 1906 (III of 1906), the Central Government hereby directs that the coins which were in circulation as legal tender in Part B States on the 1st day of April, 1951, shall continue until the 31st March, 1953 to be legal tender in those States to the like extent and subject to the same conditions as immediately before the 1st day of April, 1951.

[No. F.1(26)-F1/50.]

S. K. SEN, Dy. Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

### HEADQUARTERS ESTABLISHMENTS

*New Delhi, the 4th September, 1951*

**S.R.O. 1349**—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules 1946, the Central Government is pleased to appoint Mr. T. V. Ramakrishna, Income-tax Officer, as Authorised Representative to appear, plead and act for an Income-tax authority who is party to any proceeding before the Income-tax Appellate Tribunal.

[No. 44.]

S. P. LAHIRI, Dy. Secy.

## CENTRAL BOARD OF REVENUE

### CUSTOMS

*New Delhi, the 8th September, 1951*

**S.R.O. 1350**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Land Customs Act, 1924, (XIX of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924, the Central Board of Revenue hereby appoints the Chief Inspector and Inspectors, Preventive Service, Custom House, Madras, to be Land Customs Officers within the jurisdiction of the Collector of Land Customs, Madras.

[No. 65.]

D. P. ANAND, Secy.

*New Delhi, the 28th August, 1951*

In the said Rules....

- [No. F. 41-77/48-Comm.]

J. V. A. NEHEMLAH, Div. Secy

*New Delhi, the 29th August, 1951*

In Schedule VI to the said Rules :—

[No. F. 4-2/51-Dte.II.]

A. G. MENON, Dy. Secy.

*New Delhi, the 8th September 1951*

**S. R. O. 1353.**—In exercise of the powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the powers conferred on it by Section 3 of the said Act to provide for the matters specified in clauses (c), (f), (h), (i) and (j) of sub-section (2



thereof, shall, in relation to foodstuffs, excluding gram, pulses, edible oils, edible oilseeds, sugar, gur, and ghee be exercisable also by the Deputy Commissioners in the state of Vindhya Pradesh within their respective jurisdictions subject to such directions, general or special, as the Government of Vindhya Pradesh may issue in this behalf.

[No. CG. 603 (38)-VI.]

S. K. SEN, Dy. Secy.

## MINISTRY OF TRANSPORT

### PARTS

*New Delhi, the 4th September 1951*

**S.R.O. 1354.**—In exercise of the powers conferred by section 8 of the Madras Port Trust Act, 1905, the Central Government is pleased to appoint Shri G. Venkateswara Ayya, I.C.S., as Chairman, Madras Port Trust, with effect from the after-noon of the 31st August, 1951, *vice* Shri G. P. Alexander proceeded on leave preparatory to retirement.

[No. 13-P-I(25)/51-C.]

T. S. PARASURAMAN, Dy. Secy.

## MINISTRY OF WORKS, PRODUCTION & SUPPLY

*New Delhi, the 28th August 1951*

**S.R.O. 1355.**—In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by section 18 of the said Act, namely :—

In sub-rule (2) of rule 85 of the said Rules for the second proviso the following provision shall be substituted, namely :—

“Provided further that in the case of a merged territory every licence in force on the 7th May, 1951, and in the case of a Part B State every licence in force on the 30th June, 1951, other than a licence for the import of explosives, shall continue to remain in force until the 31st March, 1952.”

[No. M-128(9)/51.]

A. K. SEN, Under Secy.

## MINISTRY OF EDUCATION

### ARCHAEOLOGY

*New Delhi, the 31st August 1951*

**S.R.O. 1356.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904 (VII of 1904) the Central Government is pleased to declare the ancient monument (Nivratna temple at Brahmandihi, District Birbhum, West Bengal) described in the annexed Schedule to be protected within the meaning of the said Act.

## SCHEDULE

District	Police Station	Locality	Name of monument.	Plot No. in which situated	Area of Land	Ownership	Boundary and Ownership of boundary land
					S.ft.		
Birbham	Naur Deskalgram D.B.	Brahmanlihi	Nivaritna temple Bengal type temple surmounted by nine towers five of them missing.	485	1474½	Plot No. 485. 1. Sri Gadadhar Chatterji. 2. Sri Debi Prosad Roy Chaowdhury.	North-part of plot No. 485.
				486	161	Plot No. 486. Sri Muktipada	South-part of plot No. 483.
				487	195	Plot No. 487. Sri Kali Kinkar Mukerji.	East-part of plot No. 485 Village Road of Brahmanlihi.
				488	374	Plot No. 488 Sri Umapada Roy.	West-part of plot Nos. 486 and 487.
					2204		
					—·05 acre.		

[No. F-4-16/48-A.2.]

BINA CHATTERJEE, Under Secy.

## MINISTRY OF HEALTH

*New Delhi the 30th August, 1951*

**S.R.O. 1357.**—In exercise of the powers conferred by section 55 of the Dentists Act, 1948 (XVI of 1948), the Central Government is pleased to make the following rules for the Delhi Dental Council :—

## CHAPTER I

1. (1) These rules may be called the Dental Council (Delhi State) Rules, 1951.
- (2) They extend to the State of Delhi:

Provided that the provisions in these rules relating to registration of dentists shall apply to dentists residing or carrying on the profession of dentistry in the State of Ajmer as they apply in relation to dentists residing or carrying on the profession of dentistry in the State of Delhi.

(3) They shall come into force on such date as the Government may by notification in the official Gazette, appoint.

2. In these rules, unless there is anything repugnant in the subject or context—

- (a) 'the Act' means the Dentists Act, 1948 (XVI of 1948) ;
- (b) 'the Council' means the Delhi Dental Council constituted under section 21 ;
- (c) 'the Executive Committee' means the Executive Committee of the Council ;
- (d) 'Form' means a form annexed to these rules ;
- (e) 'Government' means the Central Government ;
- (f) 'President' means the President of the Council ;
- (g) 'Register' means the register of dentists prepared and maintained under the Act ;
- (h) 'Registrar' means the Registrar appointed under section 28 ;
- (i) 'Returning Officer' means the Returning Officer appointed by the Government ; and
- (j) 'Section' means a section of the Act.

## CHAPTER II

## ELECTIONS UNDER SECTION 21(A) AND (B)

3. (1) Parts A and B of the register as published with reference to sub-sections (3) and (4) of section 31 and sub-section (4) of section 32 together with the list or lists, published by the Returning Officer in the official Gazette, of dentists registered under either part, subsequent to the publication of the register, shall respectively be the preliminary electoral roll for the electorate specified in clauses (a) and (b) of section 21:

Provided that in the case of elections other than those held for the first time under the Act, the preliminary electoral roll shall be the register as last printed under section 45, together with the list or lists, published by the Returning Officer, of dentists registered subsequent to the printing of the register.

(2) The Returning Officer shall prepare and publish in the official Gazette on a date to be fixed by Government, preliminary electoral rolls in Form 1 in Appendix I, containing the names of all the electors for each of the electorates specified in clauses (a) and (b) of section 21.

(3) The Returning Officer shall simultaneously publish a notice in the official Gazette specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary rolls shall be preferred.

(4) On or after the date fixed for the receipt of the claims and objections, the Returning Officer shall pass orders in writing on each claim or objection and revise the preliminary electoral rolls in accordance with such orders, and the rolls, as so revised, shall be published in the official Gazette as the final electoral rolls.

4. The Returning Officer shall appoint and shall notify in the official Gazette and in such other manner as he thinks fit, the date, time and place for—

- (a) the receipt of nomination papers and their scrutiny;
- (b) the despatch of voting papers to the electors;
- (c) the poll; and
- (d) the scrutiny and counting of votes.

5. Every candidate for election shall be nominated by means of a nomination paper in Form II in Appendix I which shall be supplied free of cost by the Returning Officer to any elector applying for the same.

6. (1) Every nomination paper shall be signed by two electors as proposer and seconder and sent by post or otherwise so as to reach the Returning Officer on or before a date fixed by him, which shall be not less than four weeks before the date appointed for the poll:

Provided that no elector shall sign more nomination papers than there are seats to be filled up:

Provided further that if more than the prescribed number of nomination papers are signed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than the prescribed number of nominations signed by the same elector are received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.

(2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

7. Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.

8. (1) On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election shall pay the Returning Officer a fee of fifty rupees in cash, and no candidate shall be deemed to be duly nominated unless such fee has been paid.

(2) The fee so paid shall be credited to the Council and shall not in any circumstance be refunded.

9. (1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers the candidates and the proposer and seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.

(2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.

(3) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than twenty-one clear days before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

(4) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the Official Gazette.

10. (1) If the number of candidates who stand duly nominated does not exceed the number of members to be elected, the Returning Officer shall after the expiry of the time for withdrawal of candidature declare such candidate or candidates to be duly elected.

(2) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the Official Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in Form IV in Appendix I.

(3) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefor, send by post to each elector a letter of intimation in Form V in Appendix I together with a numbered declaration paper in Form III in the said appendix, a voting paper in Form IV in the said appendix containing the names of the candidates in alphabetical order and bearing the Returning Officers' initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector.

(4) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and required the Returning Officer to send him fresh papers, and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.

(5) No election shall be invalidated by reason of an elector not receiving his voting paper, provided that a voting paper has been issued to him in accordance with these rules.

11. Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the day fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

12. On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

13. The Returning Officer shall open the outer envelopes immediately after 5 p.m. on the day fixed for the poll at the place to which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorized by him in writing to attend at the time the outer envelopes are opened.

14. (1). A voting paper cover shall be rejected by the Returning Officer, if—

(a) the outer envelope contains no declaration paper outside the voting paper cover, or

(b) the declaration paper is not the one sent by the Returning Officer, or

(c) the declaration paper is not signed by the elector, or

(d) the voting paper is placed outside the voting paper cover, or

(e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

(2) In each case of rejection, the word 'Rejected' shall be endorsed on the voting paper cover and the declaration paper.

(3) After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 17.

15. (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, at the date, time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.

(2) All the voting paper covers, other than those rejected under rule 14 shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinized and the valid votes counted.

A voting paper shall be invalid if—

(a) it does not bear the Returning Officer's initials ; or

(b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper ; or

(c) no vote is recorded thereon ; or

(d) the number of votes recorded thereon exceeds the number of vacancies to be filled ; or

(e) it is void for uncertainty of one or more votes exercised:

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

(3) Any candidate may be present in person or may send a representative duly authorized by him in writing to watch the process of counting.

(4) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorized representatives, at the time of scrutiny and counting of votes.

(5) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(6) The Returning Officer shall nominate such number of scrutinizers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act, the scrutinizers shall be officers of the Government of the grade of Civil Surgeon or Officer of the Central Service, Class I, and in the case of other elections, members of the Council.

16. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to be duly elected and shall forthwith inform each successful candidate by letter of his being elected to the Council. If any candidate thus shown to be elected has withdrawn from the election or refuses to accept election, then in the place of that candidate one of the remaining candidates to whom the next largest number of votes has been given shall be held to have been elected and so on for as many of the remaining candidates as there may be vacancies caused in this way.

(2) If there is an equality of votes between any two or more candidates, the Returning Officer shall, after notice to the candidates concerned, decide by drawing lots which candidate or candidates he shall declare to have been elected.

17. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and the Council shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Government.

18. The Returning Officer shall publish the results of the election in the Official Gazette.

19. (1) Before setting aside an election under section 26 the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.

(2) A decision under section 26 may be given on the inquiry and report of any person appointed by the Government in that behalf.

#### VACANCIES

20. (1) Within a week of the occurrence of a vacancy, otherwise than by the expiry of the term of office, the President shall give intimation thereof—

(a) in the case of a vacancy to be filled by election under section 21 (a) and (b) to the Government ; and

(b) in the case of a vacancy to be filled by nomination under section 21 (a), to the Government.

(2) In the case of a vacancy occurring by the expiry of the term of office of a member, intimation thereof to the authorities referred to in sub-rule (1) shall be given by the President not less than two months before the date on which the vacancy will occur.

21. Ninety days before the expiration of the term of office of any member the Registrar shall draw the attention of the President to the impending vacancy so as to enable him to take action under rule 20.

22. On the occurrence of a vacancy otherwise than by the expiry of the term of office, the Registrar shall forthwith draw the attention of the President to the existence of the vacancy to enable the President to take action under rule 20.

### CHAPTER III.

#### ELECTION OF PRESIDENT AND VICE-PRESIDENT

23. (1) The election of the President or the Vice-President shall be by show of hands at a meeting specially convened for that purpose and for which due notice has been given under rules 71 and 72.

(2) The meeting for the election of the President shall be presided over by the Vice-President:

Provided that, if the Vice-President is himself standing for election or if there is no Vice-President or if he is absent the members shall choose from amongst themselves a person other than a candidate for election to preside over the meeting.

(3) The meeting for the election of the Vice-President shall be presided over by the President, in his absence, the members shall choose from amongst themselves a person other than a candidate for election to preside over the meeting.

(4) Every candidate shall be duly proposed and seconded.

(5) The President of the meeting shall declare the candidate securing the largest number of votes as duly elected.

(6) In the event of two or more candidates securing an equal number of votes, the President of the meeting shall decide by drawing lots, the candidates whom he shall declare as duly elected.

#### CHAPTER IV

##### REGISTRAR AND OTHER STAFF

24. The term of office of a Registrar appointed by the Council shall be such number of years not exceeding three, as the Government may fix, but a retiring incumbent may, with the approval of the Government, be reappointed for a further term or terms.

25. The Registrar shall keep his registers in accordance with the provisions of the Act and the rules and regulations of the Council.

26. The Registrar shall be present at every meeting of the Council and of the Executive Committee and shall take down the minutes of the proceedings at such meetings.

27. The Registrar shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required by these rules.

28. The Registrar shall fulfil all the duties that may be required of him by the rules and regulations for the time being of the Council.

29. Public Holidays excepted, the Registrar shall attend at the office of the Council from 10 A.M. to 5 P.M. provided however that on Saturdays he shall attend from 10 A.M. to 2 P.M. The Registrar shall attend also at other times when necessary and shall not absent himself from his duties except with the permission of the President.

30. The Registrar shall be authorized to obtain whatever temporary additional assistance is required, subject to the sanction of the President.

31. The Registrar shall have general control over the management of the office and authority over the clerks and servants, and superintendence of the buildings.

32. The duties of the clerks shall be such as shall be assigned to them by the Registrar under the direction of the Executive Committee.

33. Public holidays excepted, the clerk shall attend at the office from 10 A.M. to 5 P.M. provided however that on Saturdays they shall attend only from 10 A.M. to 2 P.M. They shall attend also at other times when necessary, and shall not be absent from their duties except with the permission of the Registrar. The Executive Committee shall grant leave to the clerks according to the Revised Leave Rules, 1933. Leave to peons, shall be granted by the Registrar in accordance with those rules.

#### CHAPTER V

##### REGISTERS, ACCOUNTS AND OTHER MISCELLANEOUS MATTERS

34. A book shall be kept, containing the name of each of the members of the Council, the electorate he represents, the date of notification of his appointment or election, the term for which he was appointed and the date of his death, resignation or retirement or on which day he otherwise ceased to be a member; the book shall be regularly maintained so as to show the period at which the body or authority having power to appoint or elect should make a new appointment or elect a new member.

35. The corporate seal of the Council shall be kept in a box having two different locks, and the key of one of the locks shall be in the custody of the President and the key of the other lock in the custody of the Registrar.



36. The seal shall be affixed only by order of the Council or, when the Council is not sitting, by order of the Executive Committee ; but its use by the Committee shall be limited to such acts as may be necessary to carry into effect the powers and the duties conferred upon it.

37. Any order for affixing the seal shall state why it is necessary to affix the seal and shall be entered in the minutes of the Council, or of the Executive Committee as the case may be.

#### INSPECTION OF DOCUMENTS

38. The conditions on which leave shall be granted to members of the Council to inspect the documents of the Council, when not required for use by its legal advisers, shall be those contained in this rule and rules 39, 42 and 43.

Three clear days notice in writing shall be given to the Registrar, except when the Council is in session, when special leave may be granted.

39. The subject of the documents needed for inspection shall be stated in the notice.

40. The Registrar shall be held responsible for the safe custody of all documents.

41. The Registrar shall have the documents arranged in chronological order or otherwise so as to facilitate their inspection during office hours.

42. Documents under inspection shall not be removed from the premises of the Council.

43. All such documents and the information derived therefrom shall be regarded as strictly confidential.

#### ACCOUNTS

44. An account shall be opened in the Imperial Bank of India in the name of the Council and all the moneys of the Council shall be deposited in the Bank, subject to the reservation mentioned in rule 45.

45. The Registrar shall receive all moneys payable to the Council. He shall not retain in his hands any sum exceeding Rs. 100 the balance being lodged in the Bank to the credit of the Council.

46. The Registrar shall in the month of July each year prepare a statement of income and expenditure of the preceding financial year and draw the attention of the Council to such matters as seem deserving of notice.

47. The annual accounts shall be made up by the Registrar under the direction of the Executive Committee.

48. In the month of September each year, an estimate of the revenue and of the expenditure of the Council for the year commencing on the 1st April next ensuing shall be laid before the Council.

49. Such estimate shall provide for meeting the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as the Government may be pleased to allot and all fees received from registration or other sources.

50. The Council shall consider the estimate submitted to it and shall sanction the same either unaltered or subject to such alteration as it shall deem fit.

51. The Council may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted

to it. Every such supplementary estimate shall be considered and sanctioned by the Council in the same manner as an annual estimate under the rule 48. No expenditure shall be incurred by the Council which is not duly provided for in the estimate under rule 48 or in the supplementary estimate contemplated in this rule.

52. A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 10 and the bill or other voucher is in order, he shall pay it. If the claim be for a sum exceeding Rs. 10 payment shall not be made until it has been examined and passed by the Executive Committee.

53. The Registrar shall immediately bring into account in the general cash-book, all moneys received or spent by the Council.

54. All cheques shall be signed by the Registrar and by one of the members of the Executive Committee designated by it in this behalf.

55. The accounts of the Council shall be audited by persons who are qualified to be appointed as Auditors of Companies under section 144 of the Indian Companies Act, 1913.

## CHAPTER VI

### REGISTRATION OF DENTISTS

56. Every person entitled to be registered under sections 34 and 35 and desiring to have himself so registered shall apply to the Registrar in Form C in Appendix II. Every such application shall be accompanied by the fee prescribed in this behalf in rule 67.

57. Where the application is for registration under section 34 (ii), the applicant shall state in the application that he has passed the special examination referred to in that section as one of his qualifications for registration.

58. (1) The registration of a person under the Act shall, subject to the provisions contained in the Act as to the removal of names from the register, remain entered therein and the registration of such person shall hold good until the 31st December of the year following the year in which the name is first registered.

(2) Any person desiring to continue his registration shall submit to the Registrar an application before the 1st October of the year till the end of which the current registration will hold good indicating his correct address and shall forward with the application the fee prescribed in that behalf in rule 67 and the certificate issued to him under rule 61.

59. An application for registration of an additional qualification shall be in Form D in Appendix II and shall be accompanied by the fee prescribed in this behalf in rule 67.

60. Every appeal to the Council against a refusal of the Registrar to register, in the case of first registration, or to alter any entry in the register shall state the grounds on which the registration or alteration is claimed and furnish particulars of the qualifications held and the dates on which they were acquired. On receipt of any such appeal the Executive Committee shall conduct an enquiry and submit a report to the Council.

61. On the registration of every dentist under the Act and on each renewal of such registration, the Registrar shall grant such dentist a certificate in Form B in Appendix II.

62. Certified copies of entries in the register in the following form may be issued to any person on payment of the fee prescribed in rule 67.

No.

Office of the Delhi Dental Council.

The following is a true copy of the entry in the dental register of the name specified below :—

Name	Address	Date of registration	Qualification.
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Registrar.

*N. B.*—(1) This certified copy shall be evidence of registration only until the publication of the printed dentists register for 19 . It is not evidence of the identity of the holder with the person named therein and shall not be used as such evidence.

(2) The fee prescribed by rule 67 shall be levied for registering a change of name in the register.

(3) A duplicate certificate issued under section 44 shall be in Form J in Appendix II.

63. Every application by a dentist for the removal of his name at his own request from the register shall be accompanied by a declaration by the applicant that he is not aware of any proceedings or of any reason for the institution of any proceedings which might result in the removal of his name from the register or for depriving him of any qualification or licence entitling him to have his name entered in the register. The application shall further be accompanied by an undertaking by the applicant that he will not apply for registration in any other State in India within a period of two years from the date of the removal of his name and also that in case he applies for registration after that period, he will submit the testimonials of two dentists who know him, to the effect that he has not committed any act during the period between the removal of his name and his applying for re-registration, which might result in the removal of his name from the register or in depriving him of any qualification or licence entitling him to have his name entered in the register.

Every such application for removal shall in the first instance, be referred by the Registrar to the authorities who granted the applicant his qualification or qualifications in order to ascertain whether there is any valid objection to such removal.

The Registrar shall bring every such application before the next meeting of the Council or Executive Committee who shall consider the application and any objections thereto.

The Registrar shall, upon the removal of the applicant's name from the register, send notice of such removal to the applicant by registered post addressed to both his registered residential and professional addresses.

64. The register shall be maintained as required by sub-section (3) of section 31 and in Form A in Appendix II.

65. The names shall be entered in the register in the alphabetical order and sufficient space shall be left for future additions or alterations in the qualifications and address relating to each name.

66. Each page of the register shall be verified by the Registrar's signature.

67. The following fees shall be levied by the Council namely :—

Rs. A. P.

For the first registration in the register . . . . .	15 0 0
For every qualification subsequently registered . . . . .	10 0 0

	RS.	A.	P.
For annual retention . . . . .	10	0	0
For restoration to the register after removal for non-payment of the annual retention fee in addition to the annual retention fee for the year . . . . .	5	0	0
For restoration to the register under section 42. . . . .	15	0	0
For registration of a change of name . . . . .	5	0	0
For every certified copy of an entry in the register . . . . .	3	0	0
For the grant of a duplicate certificate . . . . .	5	0	0

In addition, stamp duty leviable on any of the foregoing under the Indian Stamp Act, 1899, or any other law for the time being in force relating to the levy of stamp duty, shall be levied.

68. The Registrar shall keep an interleaved copy of the printed register wherein he shall make during the course of the year any entry, alteration or omission that may be necessary.

69. At the end of every year, there shall be entered in the printed register (1) the total number of persons in the published register (2) the number of persons added to the register by registration during the year (3) the number restored to the register during the year (4) the number removed from the register during the year stating the particular section under which the names have been removed and (5) the number removed by death during the year.

## CHAPTER VII

### RULES OF BUSINESS OF THE COUNCIL, ETC.

70. Unless, for reasons of public emergency, the President, or if the President be unable to act, the Executive Committee, shall otherwise direct the Council shall meet for ordinary business on the first Monday in the months of February and September in each year. A meeting of the Council shall be held at any other time, only if called by direction of the President or in his absence, or in the event of a vacancy in the office of the President, by the Executive Committee, or on a written requisition signed by five members of the Council and addressed to the President or to the Executive Committee, as the case may be.

71. All meetings of the Council shall be convened by the Registrar by notice given to each member stating the time and place of the meeting.

The President shall preside over the meeting. In the absence of the President, the Vice-President or any other person chosen for the purpose for the time being by the members present shall preside over the meeting.

72. The notice shall state the purpose of the meeting, that is, whether it is for transacting general business or for transacting any specified special business. At any meeting which is transacting special business, no other business shall be transacted except that specified in the notice, unless the Council by resolution agrees to consider such business.

73. Prior to any meeting of the Council, the Registrar shall in consultation with the President, prepare a provisional programme of business and shall furnish a copy thereof to every member of the Council not less than ten days before the day fixed for the meeting and at the same time forward to every member of the Council, copies of the documents and the evidence, in any disciplinary case to be brought before the Council during that meeting.

74. Any notice of motion to be inserted in the programme of business for the meeting shall be sent to the Registrar at least 15 clear days before the beginning of the meeting.

75. When the President has taken the Chair, the roll shall be called and any member not present before the minutes of the previous meeting are confirmed shall be deemed to be absent.

76. Five members of whom the President may be one shall constitute a quorum.

77. No member shall, after taking his place, leave the meeting without the permission of the President.

78. Before the commencement of any meeting of the Council, the President in consultation with the Registrar shall prepare the programme of business containing the subjects to be brought forward and setting out the notices of the motion given by the members and the programme so prepared shall be distributed to all the members of the Council.

79. All motions and amendments shall be in writing, shall be signed by the mover and the seconder and before the member speak on them shall be read by the President or by the Registrar under the authority of the President. All formal amendments shall be framed so that they may be read as independent motion.

80. The mover shall have the right to speak before any motion or amendment is seconded.

81. Any motion standing over from the previous day shall take precedence over any new subject unless the Council otherwise determines.

82. No motion or amendment shall be withdrawn after having been read by the President or under his authority except with the permission of the Council.

83. The seconder of a motion may make his speech at any stage of the debate, but only the proposer shall have the right of final reply.

84. If an amendment is proposed, it shall be disposed of before any other amendment is moved.

85. The amendment shall first be put to vote; and if it is lost, a second amendment may be moved and shall be disposed of in the same manner as the first amendment, and so on, until no further amendment is proposed.

86. If all the amendments are lost, the original motion shall be regarded as a substantive motion to which no further amendment may be moved.

87. If any amendment is carried, the original motion so amended shall be regarded as a substantive motion to which further amendments may be moved.

88. In all cases where a division has taken place, any member of the Council may require that the names or the number or both the names and the number of the majority, of the minority, or those who decline to vote, and of those who are absent, be entered in the minutes.

89. When a motion is under debate, no further proposal shall be received except one of the following :—

- (i) an amendment, namely, "That the motion be amended as follows :—
- (ii) the postponement of the motion, namely, "That the consideration of the motion be postponed";
- (iii) the adjournment of the debate, namely, "That the debate on the motion be now adjourned";
- (iv) the adjournment of the Council, namely, "That the Council do now adjourn,";
- (v) the closure of the debate, namely, "That the Council do now proceed to vote on the motion";

(vi) the passing on to the next item in the programme of business, namely, "That the Council instead of proceeding to deal with the motion do pass on to the next item, in the programme of business."

90. When an amendment is under debate, no further proposal shall be received except one of the following :—

(i) the adjournment of the debate on the amendment, namely, "That the debate on the amendment be now adjourned";

(ii) the adjournment of the Council, namely, "That the Council do now adjourn";

(iii) the closure of the debate on the amendment, namely "That the Council do now proceed to vote on the amendment";

(iv) the postponing consideration of the amendment namely, "That the Council instead of proceeding to deal with the amendment do resume the date on the motion originally proposed."

91. The proposal for postponement of the motion may specify a date for its further consideration or may require its postponement *sine die*.

92. If the proposal for the adjournment of the debate on a motion is carried, the Council shall pass on to the next item on the programme of business and the debate shall be resumed at the next ordinary meeting of the Council. The proposer of the adjournment shall, on the resumption of the debate be entitled to speak first.

93. If the proposal for the adjournment of the Council is carried, the question under debate shall be dropped from the programme of business.

94. On the proposal for the adjournment of the Council being made and seconded it shall be competent for the President, before putting the question, to ascertain the opinion of the Council as to whether it will before rising proceed to items in the programme of business on which no objections or remarks have been received or expected.

95. The proposal for the closure of the debate shall be made and seconded without further debate and shall, unless the President shall rule otherwise, be put forthwith. If the proposal is carried, the motion or amendment under debate shall be at once voted on by the Council.

96. The proposal for passing on to the next item in the programme of business shall be made and seconded without debate and shall be put forthwith. If the proposal is carried, the motion or amendment to which it applies shall be dropped from the programme of business.

97. The President may, at his discretion, obtain the votes of members of the Council on any particular question by circulating the question and the papers connected therewith, placing before them all the facts and information relating to the same and obtaining their views thereon, such question being decided according to the majority of the votes and a minute regarding it being added to the minutes of the Council.

98. The minutes of each meeting shall be read at the next meeting for the approval of the members and confirmed by the President after a resolution to that effect is passed.

99. The proceedings of the meetings of the Council shall be preserved in the form of printed minutes after confirmation by the signature of the President.

100. The minutes of each meeting shall set out the motions and amendments proposed and adopted or negatived, with the names of the proposer and seconder annexed thereto but without the comments or observations of the members.

101. When a new or amended regulation is adopted by the Council, the minutes shall contain a formal statement as to the effect of the new or amended regulation upon the previous regulations on the same subject.

102. After the close of any meeting of the Council, a printed copy of the minutes of the meeting as confirmed shall be sent to each member.

103. Complete minutes of each meeting of the Council after confirmation in accordance with rule 98 shall, as soon as convenient after the close of the meeting, be made up in sheets inserted in the yearly volume and consecutively paged.

#### BUSINESS OF THE EXECUTIVE COMMITTEE

104. The Executive Committee shall consist of the President and the Vice-President, *ex-officio*, and four members of the Council.

105. The Executive Committee shall ordinarily meet once every month on such date as may be fixed by the President.

106. For a meeting of the Executive Committee four members including the President shall be the quorum.

107. If any elected member of the Executive Committee is absent from two consecutive meetings of the Committee without its leave or if the period of leave exceeds three months, he shall cease to be a member of the Committee.

108. The Executive Committee shall keep minutes for its proceedings which shall be dealt with in the manner indicated in rules 98, 100, 101 and 102.

109. The minutes of the meetings of the Executive Committee shall be printed in the same manner as those of the Council and copies thereof sent to each member of the Council.

110. In the case of the death of the Registrar or of his incapacity from illness or of his being on leave, when the Council is not in session, the Executive Committee shall appoint a person to perform temporarily the duties of the Registrar.

111. The Executive Committee shall superintend the publication of the register which shall be prepared by the Registrar. The Registrar shall cause it to be printed after entering therein a statement of the distribution of the copies of the register. The copies shall be distributed to such of the officers of the Government as may be specified by the Government, to the Dental Council of India under sub-section (2) of section 18 and to such others as may be directed by the Executive Committee.

112. Each year, the Executive Committee shall order such number of copies of the register to be printed as the Registrar may consider necessary on a revision of the annual distribution list.

113. The printing of the minutes shall be under the direction of the Executive Committee.

114. All petitions addressed to the Council shall be referred by it to the Executive Committee to be examined and reported upon before being considered by the Council:

Provided that all petitions addressed to the Council shall be laid upon the table of the Council for such action as it deems fit.

115. The Executive Committee shall prepare reports on the subjects indicated to it by the Council when the Council is sitting and at other times by the President. The reports when finally approved by the Committee shall be printed and circulated to the members of the Council at least ten days before the meeting of the Council.

Fees and allowances for attending the meetings of the Council and the Executive Committee and other expenses.

116. No fee shall be paid for attending a meeting of the Council or the Executive Committee.

117. For attending the meeting of the Council or Executive Committee, allowances will be payable to members from the funds of the Council as set forth below :—

(i) Government servants should draw the travelling allowance to which they are entitled under the Supplementary Rules.

(ii) A member, who is not a Government servant, shall be allowed one and a half first class fare, halting allowance and roadmileage according to the rules applicable to non-official members of Committees appointed by Government. The halting allowance shall be admissible for any day on which he is required to halt on the business of the Council or the Executive Committee at a place other than where his permanent residence is situated.

*Explanation.*—In the event of a member actually travelling throughout the 24 hours from one midnight to the next midnight halting allowance would not be admissible. On the other hand should he halt even for less than 24 hours for a meeting he would be entitled to it.

## CHAPTER VIII

### PROSECUTIONS AND REMOVAL AND RESTORATION OF REGISTRATION

118. If information is received by the Registrar that an offence under the Act has been committed, he shall, if there is a complaint, require the complainant to produce in the form of an affidavit or otherwise *prima facie* proof of the matters complained.

119. The Registrar shall thereupon bring the matter before the Executive Committee for a report under rule 115.

120. If the Council decides that a prosecution should be instituted it shall instruct the Government Prosecutor or the Public Prosecutor, as the case may be to take the necessary action.

121. If information is received by the Government that an offence under the Act has been committed, the matter shall be referred to the Executive Committee for enquiry and report through the Council.

122. The Registrar shall bring to the notice of the President any information reaching the office of the Council that a dentist has been convicted of an offence or offences of the kind mentioned in sub-section (1) of section 16 of the Punjab Municipalities Act, 1911 (III of 1911) and section 14(a) of the Punjab District Boards Act, 1883 (XX of 1883), as extended to the State of Delhi, or has been guilty of infamous conduct in any professional respect.

123. The President may call for the explanation of the dentist. The explanation and the records of the case shall then be placed before the Executive Committee.

124. The Executive Committee may require the Registrar to investigate the matter further and collect further evidence.

125. If the Committee resolves that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Council.

126. A notice in Form E in Appendix II shall be sent by the Registrar to the dentist not less than three weeks before the date fixed for the enquiry. Similar notice in Form F in Appendix II shall be sent to the complainant also.

127. Either party to an inquiry shall, for the purpose of his defence or reply, as the case may be, and upon request in writing be supplied by the Registrar with a copy of any declaration, explanation, answer or other document received by the Council for use at the inquiry as evidence and every notice of inquiry shall draw the particular attention of the dentist to this rule.



128. Any application made by the dentist between the date of the issue of the notice and the date of the hearing shall be dealt with by the President in such manner as he thinks fit.

129. All material documents which are to be laid before the Council as evidence in regard to the case shall be printed and a copy shall be furnished to each member of the Council not less than ten days before the hearing of the case.

130. The complainant and the dentist may be represented by legal practitioners.

131. Where the complainant appears, the following procedure shall be followed :—

- (1) The Registrar shall read the charge set out in the notice of the inquiry addressed to the dentist.
- (2) The complainant shall then state his case and produce the evidence in support thereof.
- (3) The dentist shall then state his case and produce the evidence in support thereof. He may address the Council either before or at the conclusion of his evidence but only once.
- (4) At the conclusion of the dentist's case, the Council shall, if the dentist has produced evidence, hear the complainant in reply on the case generally, but will hear no further evidence except in any special case. If the dentist produces no evidence, the complainant shall not be heard in reply except by special leave of the Council.
- (5) A witness shall be first examined by the party on whose behalf he is cited and then cross-examined by the other party and finally re-examined by the party on whose behalf he is cited. The Council may decline to admit in evidence the deposition of any witness who is not present for, or declines to submit himself for cross-examination.
- (6) The President and the members of the Council through the President, may put questions to any witness.

132. In the absence of a complainant, the following procedure shall be followed :—

- (1) The Registrar shall read the charge set out in the notice of inquiry addressed to the dentist, state the facts of the case and produce the evidence in its support.
- (2) The dentist shall then state his case and produce the evidence in support thereof. He may address the Council either before or at the conclusion of his evidence but only once.

133. (1) Upon the conclusion of the case, the Council shall deliberate thereon in private and decide by vote whether the dentist—

- (a) has been convicted of an offence as alleged against him ;
- (b) is guilty of infamous conduct in any professional respect as alleged against him.

(2) If the Council finds that the dentist has been so convicted or is guilty as aforesaid, it shall direct the Registrar to remove the name of the dentist from the register.

134. When the Council has received intimation from any authority that any qualification conferred by it on a dentist has been withdrawn by it on any ground other than that of the adoption of any theory of dentistry, then the Council shall direct the Registrar to remove such qualification from the register in respect of such dentist.

135. If, as aforesaid, all the qualifications of any dentist have been removed from the register, then the Council shall, direct the Registrar to remove the name of such dentist from the register.

136. The Registrar shall, upon the removal of any name from the register pursuant to the provisions of rule 135 or of section 41, forthwith send notice of such removal to the dentist by registered post addressed to the last known address or to the registered residential and professional addresses of the dentist. The Registrar shall also send, forthwith intimation of any such removal to the Dean or Secretary or other proper officer of the authority which conferred the qualification or qualifications on the dentist.

137. The Registrar shall, within one month after any names have been removed from the register by order of the Council under section 41, send to the authorities concerned conferring the qualifications a list of all such names and shall call the attention of each authority to the following recommendation of the Council:—

• “The Council recommends that no person whose name has been once removed from and has not been restored to the dentists’ register shall, without previous reference to the Council, be admitted to examination for any new qualification which is registerable in the dentists register.”

138. Applications for restoration of a name removed under section 41 to the register shall be entertained only at the next or subsequent meeting of the Council.

139. The Council may, if it thinks fit, on the application of a person whose name has been removed from the register under sub-section (2) of section 39 direct the Registrar to enter the name in the register.

140. No application for the re-entry of a name removed from the register under sub-section (2) of section 39 shall be entertained, unless it is accompanied by the fee prescribed in rule 67 and by a declaration from the applicant setting forth the facts of the case and stating that he is the person originally registered and by any one of the following documents:—

- (a) Applicant’s diploma or University degree.
- (b) A certificate in the form re-produced below from two dentists registered under the Act as to his identity.
- (c) If the applicant is not resident in..... a certificate as to his identity in the form reproduced below from two persons who shall be Magistrates or officers holding a Commission in the Defence Forces of India or Justices of Peace or two resident dentist registered under the Act.

The declaration shall be countersigned by the Civil Surgeon of the district where the applicant has been practising or by a dentist. Such countersignature shall be in the form of the certificate referred to in clause (b) above.

*Form of certificate referred to in clauses (b) and (c) above.*

I hereby certify that the aforesaid applicant is the above specified..... whose name formerly stood in the register of dentists under the Dentists Act, 1948, with the following address and qualifications:—

Name .....

Address.....

Qualification.....

Date.....

Signature of person certifying,  
registration number, rank  
or commission.

141. Any person whose name has been removed from the register under section 1 and who still possesses a qualification entitling him to be registered under the Act, may apply to the Council for the re-entry of his name in the register and the following procedure shall be followed in the case of every such application :—

- (1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made.
- (2) The application shall be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered and by any one of the following documents :—
  - (a) Applicant's diploma or University degree.
  - (b) A certificate in the form set out in rule 140 from two dentists registered under the Act as to his identity.
  - (c) If the applicant is not resident in..... a certificate as to his identity in the form aforesaid from two persons who shall be Magistrates or officers holding a commission in the Defence Forces of India or Justices of Peace or two resident dentists registered under the Act.
- (3) The statements in the application shall also be verified by the certificates in writing given by two dentists registered under the Act who are resident in the neighbourhood of the place where the applicant had been residing since the removal of his name from the register and who were and are well acquainted with him before and since the removal of his name and who shall testify to his present good character.
- (4) Before an application is considered by the Council, the Registrar shall notify the same to the authorities who conferred the qualifications held by the applicant at the time his name was removed and shall further give notice of the application and of the time when the Council intends to consider the same to the person or body (if any) on whose complaint the applicant's name was removed.
- (5) The Council shall consider the application and may, if it thinks fit, adjourn the consideration of it to a future date or require evidence or explanation from the applicant.
- (6) The application and the certificates referred to in clause (3) shall be in Forms G and H in Appendix II with such variations as circumstances may require. Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

#### INTERPRETATION OF RULES

142. The decision of the Government on any question that may arise as to the intention, construction or application of these rules shall be final

### APPENDIX I

#### FORM I

(See rule 3)

*A. List of persons qualified to vote under clause (a) of section 21 of the Dentists Act, 1948.*

Name	Qualification	Address	Remarks
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*B. List of persons qualified to vote under clause (b) of section 21 of the Dentists Act, 1948.*

Name	Qualification	Address	Remarks
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FORM II

(See rule 5)

*Nomination paper*

Election under clause (a)/(b) of section 21 of the Dentists Act, 1948.

1. Name of candidate.....
2. Father's name.....
3. Age.....
4. Nature of qualification under section 33.....
5. Address .....
6. Signature of proposer.....
7. Signature of seconder.....

*Declaration by the candidate*

I hereby declare that I agree to this nomination.

Signature of the candidate.

This nomination paper was received by me at ..... hour on the (date).

Returning Officer.

*Instructions*

1. Nomination papers which are not received by the Returning Officer before the ..... will be invalid.
2. The names of the proposer and seconder, as they appear in the electoral rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signatures.

FORM III

(See rule 10)

*Declaration paper*

Elections to the Delhi Dental Council under clause (a)/(b) of section 21 of the Dentists Act, 1948.

- Serial number.....
- Elector's name.....
- Number on the electoral roll, if any.....

*Elector's declaration.*

I,.....(Name in full, and designation, if any) declare that I am an elector for the election of a member, to the Delhi Dental Council by the electorate under clause (a)/(b) of section 21 of the Dentists Act, 1948 and that I have signed no other voting paper at this election.

Signature.....

Station .....

Address.....

Dated.....

.....

FORM IV

(See rule 10)

*Voting paper*

Election to the Delhi Dental Council under clause (a)/(b) of section 21 of the Dentists Act, 1948.

Serial Number	Name of candidate duly nominated. ¶	Vote.
------------------	-------------------------------------	-------

*Instructions*

1. The number of vacancies to be filled is
2. Place a cross-mark (thus 'X') against the name of the candidate (or each of the candidates) for whom you wish to vote.
3. A voting paper will be invalid if—
  - (a) it does not bear the Returning Officer's initials or facsimile signature of
  - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
  - (c) no vote is recorded thereon; or
  - (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
  - (e) it is void for uncertainty of one or more votes exercised.

FORM V

[See rule 10(3)]

*Letter of intimation*

Office of the Delhi Dental Council,  
dated the .

SIR/MADAM,

The persons whose names are printed on the voting paper sent herewith, have been duly nominated as candidates for election to the Delhi Dental Council. Should you desire to vote at the election, I request that you will—

- (a) fill up and sign the declaration paper;
  - (b) mark your vote in the column provided for the purpose in the voting paper as directed on the voting paper;
  - (c) enclose the voting paper in the smaller cover, and stick it up; and
  - (d) enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 P.M. on the                      of 19
2. The voting paper will be rejected, if—
  - (a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or
  - (b) the outer envelope contains no declaration paper outside the smaller cover; or
  - (c) the voting paper is placed outside the voting paper cover; or
  - (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
  - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
  - (f) the declaration is not signed by the elector; or
  - (g) the voting paper is invalid.
3. A voting paper will be invalid, if:—
  - (i) it does not bear the Returning Officer's initials or signature; or

- (ii) a voter signs his name, or writes any word or makes any mark by which it becomes recognizable as his voting paper ; or
- (iii) no vote is recorded thereon ; or
- (iv) the number of votes recorded thereon exceeds the number of vacancies to be filled ; or
- (v) it is void for uncertainty of one or more votes exercised :

Provided that where more than one vote can be given on the same voting paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned, but not the whole voting paper shall be invalid on that account.

4. If a voter inadvertently spoils a voting paper, he can return it to the Returning Officer who will, if satisfied of such inadvertence, issue to him another voting paper.

5. The scrutiny and counting of votes will begin on  
(date) at (hour).

6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorized representatives.

*Returning Officer.*

## APPENDIX II

### FORM A

(See rule 64)

#### *Form of the register of dentists*

### PART A

- (1) Serial number.
- (2) Name in full.
- (3) Father's name.
- (4) Date of birth.
- (5) Nationality.
- (6) Residential address.
- (7) Date of first admission in the register.
- (8) Qualification for registration.
- (9) Date on which degree or diploma in dentistry, if any, was obtained, and the authority which conferred it.
- (10) Professional address.
- (11) Employment, if any
- (12) Date of renewal of registration.
- (13) Remarks (NOTE.—Removal or restoration of name with dates).

### PART B

- (1) Serial number.
- (2) Name in full.

- (3) Father's name.
- (4) Date of birth.
- (5) Nationality.
- (6) Residential address.
- (7) Date of first admission in the register.
- (8) Qualification for registration.
- (9) Date on which degree or diploma in dentistry, if any, was obtained, and the authority which conferred it.
- (10) Professional address.
- (11) Employment, if any.
- (12) Date of renewal of registration.
- (13) Remarks (NOTE.—' Removal ' or ' restoration ' of name with dates).

**FORM B**

(See Rule 61)

*Certificate of registration under the Dentists' Act, 1948.*

This is to certify that the person named below has been registered under Part A/Part B as a dentist under the provisions of the Dentists' Act, 1948 (and his registration was last renewed on . . . . .)

This certificate shall remain in force till )

Name

Qualification

Registered number

Date

Signature,  
Delhi Dental Council,

*N.B.*—The portion within brackets, viz. (and his registration was last renewed on.....) shall be omitted when the certificate is issued on first registration.

**FORM C**

(See Rule 56)

*Form of application for registration as dentist.*

[Under Sections 34 and 35 of the Dentists Act, 1948 (XVI of 1948)].

To

The Registrar, Delhi Dental Council.

SIR,

I request you to enter in Part A/B of the register of dentists for the State of Delhi my name and address.

A registration fee of Rs. 15 (Rupees fifteen only) is sent herewith.

Name in full (in block letters only).

Place, date and year of birth.

Nationality (kindly give information in detail)  
 Whether natural born Indian citizen.  
 Whether natural born British subject.  
 Whether British subject of Indian domicile.  
 Whether naturalized Indian citizen.  
 Whether subject of a Foreign Government.

Residential address.

Professional address.

Number of years of practice.

Qualifications.

Description of qualifications of which registration is desired.

Name of the authority which conferred the qualification with full address.

Date of attaining the qualification.

Institution through which appeared.

I have forwarded herewith in original the diplomas I possess. The same may please be returned when no longer required.

Yours faithfully.

Station.

Usual signature.

Date.

Name in full.

Instructions.

1. All particulars given above must be filled in by the applicant only.
2. All particulars should be in neat legible hand.
3. Registration fees should be paid in person or sent by money order, or by postal order only.
4. Candidates should note that their names entered in the application must exactly correspond with their names in the University or other examinations, as the case may be.

Please give below a specimen of your signature as used by you on certificates.

#### FORM D

(See Rule 59)

#### *Application for registration of additional qualifications.*

To

The Registrar, Delhi Dental Council.

SIR,

I beg to apply for the registration of the additional qualifications of which I have obtained from \_\_\_\_\_ in \_\_\_\_\_. The diplomas or certificates of the qualifications are enclosed herewith. These may be returned as soon as done with.

I am already registered under the Dentists Act, 1948, and my registration No. \_\_\_\_\_ is \_\_\_\_\_

The prescribed fee of Rs. \_\_\_\_\_

is sent herewith.

Station.

Yours faithfully,

Dated

Signature of applicant.



## FORM E

(See rule 126)

*Notice to a dentist to attend proceedings for the removal of his name from the dentists register under section 41 of the Dentists Act, 1948.*

Office of the Delhi  
Dental Council,

*Dated the*

Sir,

On behalf of the Delhi Dental Council, I give you notice that information and evidence have been laid before the Council by which the complainant makes the following charge against you, namely (here set out the circumstances briefly) and that in relation thereto you have been guilty of infamous conduct in a professional respect.

or that you were on the date of convicted  
of the following offence at namely (here set out particulars  
of the convictions).

And I am directed further to give you notice that on the date of  
19 , a meeting of Council will be held at  
at O'clock in the

to consider the above mentioned charges against you, and decide whether or not they should direct your name to be removed from register, pursuant to section 41 of the Dentists' Act, 1948. You are required to answer in writing the above charges and to attend before the Council at the above named place and time to establish any denial or defence that you may have to make the above mentioned charges and you are hereby informed that if you do not attend as required the Council may proceed to hear and decide upon the said charges in your absence.

Any answer or other communication or application which you may desire to make respecting the said charges or your defence thereto must be addressed to the Registrar of the Council and transmitted so as to reach him not less than days before the day appointed for the hearing of the case.

A copy of certain rules of the Council, to which your particular attention is invited is enclosed herewith for your information.

Signed.

Registrar.

## FORM F

(See rule 126)

*Notice to a person complaining against a dentist, to attend the proceedings of the Delhi Dental Council and substantiate the allegation made by him.*

Office of the Delhi  
Dental Council,

To

*Date the*

Sir,

I am directed by the Delhi Dental Council to give you notice that on the day of 19 a meeting of the council will be held at  
at O'clock in the to consider the allegations  
made by you against a dentist. You are hereby required to attend before the Council at the above named place and time to substantiate your allegations. If you do not attend as required the Council may proceed to hear and decide upon your complaint in your absence

Registrar

## FORM G

(See rule 141)

*Statutory declaration by applicant for re-entry of name in the register of dentists.*

To

The Delhi Dental Council.

(i) I, the undersigned\* now holding the qualification of † do solemnly and sincerely declare that the following are the facts of my case and in reason of which I seek re-entry of my name in the register of dentists.

(ii) On the (a) my name was duly registered in the register in respect of the following qualifications, namely, (b) and on the date of the removal of my name hereinafter mentioned I was registered in respect of the same qualifications (c), and also in respect of the following additional qualifications, namely

(iii) At an enquiry held on the (d) day of the Council directed my name to be removed from the register on a complaint made to the said Council by (e) of and the offence of which the Council directed the removal of my name was (f)

(iv) Since the removal of my name from the register I have been residing at (g) and my occupation has been

(v) It is my intention of my name is re-entered in the register to (h)

(vi) The grounds of application are (i)

Signed

Declared at

on

before me

A Commissioner for Oaths, or Justice of the Peace.

\* Insert full name

† Insert qualifications, if any.

(a) Insert date.

(b) Insert original qualifications.

(c) To be added to, if necessary.

(d) Insert date of inquiry.

(e) Insert name and address of complainant.

(f) Insert charge on which name was removed.

(g) The blanks in this paragraph must be filled in accordance to circumstances.

(h) Insert particulars as to proposed future professional occupation.

(i) All facts and grounds on which the application is made should be clearly and concisely stated.

## FORM H

(See rule 141).

*Certificate in support of application.*

I, ..... of .....  
certify as follows :

(i) My Registration No. is

(ii) I have read paragraphs (iv) and (v) of the application of  
and say that I have been and am well acquainted with the said

both before and since his name was removed from the register of dentists, that I believe him to be now a person of good character, and that the statements in the said paragraphs are, to the best of my knowledge, information and belief, true.

Signed  
(Name)

(Address)

#### FORM J

(See rule 62)

*Duplicate certificate of registration issued under section 44 of the Dentists Act, 1948, as the original certificate has been lost or destroyed.*

This is to certify that the person named below has been registered under Part A/Part B as a dentist under the provisions of the Dentists, Act, 1948 (and his registration was last renewed on )

This certificate shall remain in force till

Name

Qualification

Registered number

Signature

Delhi Dental Council.

Date

[No. F. 10-10/48-M.I.(Pt.) III.]

*New Delhi, the 4th September, 1951*

**S. R. O. 1358.**—In exercise of the powers conferred by sub-section (2) of section 8 of the Dentists Act, 1948 (XVI of 1948), Shri B.S. Raizada, Superintendent, Medical Council of India was appointed to officiate as Secretary of the Dental Council of India from the 16th November 1950, to the 1st January, 1951 *vice* Dr. H. G. D. Mathur granted leave.

[No. F. 6-7/50-MI.]

KRISHNA BIHARI, Asst. Secy.

#### MINISTRY OF REHABILITATION

*New Delhi, the 9th August, 1951*

**S. R. O. 1359.**—In exercise of the powers conferred by section 4 of the Influx, from Pakistan (Control) Act 1949, (XXIII of 1949), the Central Government hereby directs that the following amendment shall be made in the Permit System Rules 1949, namely :—

In the said Rules—

(I) To rule 9 the following note shall be added, namely :—

“ *Note.*—This rule will not apply in the case of guides who come to Punjab on temporary permits for recovery of abducted persons. These guides will report their arrival and departure to, and obtain permission for visiting places other than the one specified in their temporary permit, from the Superintendent of Police (Recovery) Punjab.”

(2) For the existing explanation to rule 20 the following shall be substituted namely :—

“*Explanation.*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression “Superintendent of Police” means the “Superintendent of Police (Recovery) Punjab.”

(3) The following Explanation shall be added to rule 26, namely :—

“*Explanation.*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression “Superintendent of Police” means the “Superintendent of Police (Recovery) Punjab”.

[No. III-PMT(X-1)/51 (12).]

*New Delhi, the 27th August, 1951*

**S. R. O. 1360.**—In exercise of the powers conferred by sub-section (1) of section 55 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Central Government hereby directs that the power to make rules under clause (i) of sub-section (2) of section 56 of the said Act shall in respect of property, other than urban property, be exercisable also by the Government of Punjab for the State of Punjab.

[No. 14 (105) Cus/49.]

V.D. DANTYAGI, Joint Secy.

*New Delhi, the 22nd August, 1951*

**S.R.O. 1361.**—In exercise of the powers conferred by sub-clause (ii) of clause (a) of section 2 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Rehabilitation, No. 3(14)Genl/50-II, dated the 27th May, 1950, namely :

In the said notification for item 3, the following item shall be substituted, namely :

“3. Any agricultural land in any part of West Pakistan other than the Province of West Punjab except where the claimant has been allotted agricultural land under the quasi-permanent allotment scheme in Punjab or Patiala and East Punjab States Union”.

[No. 3(14)Genl/AE/51.]

S. PRASADA, Dey. Secy.

*New Delhi, the 31st August, 1951*

**S. R. O. 1362.**—In exercise of the powers conferred by sub-section (2) of section 25 of the Administration of Evacuee Property Act, 1950, (XXXI of 1950) the Central Government hereby nominates Shri Dwijendra Nath Roy, District Judge, Ajmer, to hear appeals under sub-section (1) of the said section within the State of Ajmer.

[No. 44 (2)/51-Prop.]

MANMOHAN KISHAN Asst. Secy.

**MINISTRY OF COMMUNICATIONS****POSTS AND TELEGRAPHS***New Delhi, the 25th August, 1951*

**S. R. O. 1363.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

After rule 451 of the said Rules, the following rule shall be inserted, namely :—

“451-A.—*Transfer fee.*—A transfer fee of Rs. 10 shall be charged for every telephone transferred from one subscriber to another when such transfer involves a change in the hiring contract but does not involve the shift of the telephone ; an additional fee of Rs. 5 shall be charged for (1) a plug point or (2) an extra bell.

Provided that in the case of Departmental Exchange connections paid for on an annual basis, connections paid for under the *OWN YOUR TELEPHONE SCHEME*, and casual telephone connections no transfer fee shall be levied.”

[No. PHA-13-59/51.]

*New Delhi, the 30th August, 1951*

**S.R.O. 1364.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Rules for the licensing of Wireless Receiving Apparatus, 1940, namely :—

In the said rules—

- (1) In rule 1A the words “except the state of Hyderabad” shall be omitted ;
- (2) in rule 5 the words and figures “save as provided in rule 14” shall be omitted;
- (3) for rule 14 the following rule shall be substituted, namely :—

“14. Notwithstanding anything contained in these rules, if a person works any wireless receiving apparatus without the requisite license or continues to work any such apparatus without obtaining a fresh license on renewal within the period and subject to the conditions specified in rule 14A, he shall be liable to pay on the demand of any Inspector duly appointed by the Licensing Authority in this behalf, a surcharge of :—

- (a) in the case of a Broadcast Receiver License and Demonstration license, Rs. 15.
- (b) in the case of a Commercial Broadcast Receiver License, Rs. 50.
- (c) in the case of a Community Broadcast Receiver License, Rs. 10 and
- (d) in the case of a Broadcast Receiver License for schools, institutions of the blind and crystal sets, Rs. 3.

in addition to the fee for necessary license required .

An official receipt for the full amount shall be given by the Inspector and a license shall be subsequently issued commencing from the date the apparatus was worked without a license”.

- (4) After rule 14 the following rule shall be inserted, namely :—

“14A. A license for a wireless receiving apparatus may, if not renewed before the date of expiry of the license, be renewed within 14 days after expiry.

Provided that any such license may be renewed after the expiry of the said period of 14 days but not later than three months from the expiry of the said period, on payment of the amount of surcharge, in addition to the ordinary license fee specified in column 2 of the table hereunder printed in respect of the type of license mentioned in the corresponding entry in column 1 of the said table.

TABLE

Type of license.	Amount of surcharge	
	If renewed within one month after the period of 14 days from the expiry of the license.	If renewed after one month but within three months from the period of 14 days after the expiry of the license.
	Rs.	Rs.
Broadcast Receiver license, Demonstration license . . . . .	5	10
Broadcast Receiver license for schools, institutions of the blind, and crystal set.	1	2
Community Broadcast Receiver license . . . . .	3	5
Commercial Broadcast Receiver license. . . . .	10	20

2. These amendments shall come into force on the 1st day of September 1951.

[F-2/W17-1/51]

**S. R. O. 1365.**—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933, the Central Government hereby directs that the following further amendments shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely :—

In the said rules—

- (1) In sub-rule (ii) of rule 1, the words “except the state of Hyderabad” shall be omitted ;
- (2) in rule 2, clause (e) shall be omitted ;
- (3) in rule 6, the words and figures “save as provided in rule 18” shall be omitted ;
- (4) for rule 18 the following rule shall be substituted, namely :—

“18. Notwithstanding anything contained in these rules, if a person possesses any wireless receiving apparatus without the requisite license or continues to possess any such apparatus without obtaining a fresh license on renewal within the period and subject to the conditions specified in rule 19, he shall be liable to pay on the demand of any Inspector duly appointed by the Licensing Authority in this behalf, a surcharge of Rs. 15/- in addition to the fee for the necessary license required, provided that such surcharge shall be Rs. 50 in the case of a Commercial Broadcast Receiver, Rs. 10/- in the case of a Community Receiver, and Rs. 3 in the case of Crystal set or a Broadcast Receiver for schools or for the institutions of the blind.

An official receipt for the full amount shall be given by the Inspector and a license shall be subsequently issued commencing from the date the apparatus was kept in possession without a license.

- (5) After rule 18 the following rule shall be added, namely :—

“19. A license for a wireless receiving apparatus may, if not renewed before the date of the expiry of the license, be renewed within 14 days after such expiry ; Provided that such license may be renewed after the expiry of the said period of 14 days but not later than three months from the expiry of the said period on payment of the amount of surcharge, in addition to the ordinary license fee, specified in column 2 of the table hereunder printed in respect of the type of license mentioned in the corresponding entry in column 1 of the said table.

TABLE.

Type of license.	Amount of surcharge.	
	If renewed within one month after the period of the expiry of the license.	If renewed one month after but within three months from the period of the expiry of the license.
1	Rs.	Rs.
1 (a) Broadcast Receiver license . . . . . }	5	10
(b) Possession License. . . . . }		
(c) Demonstration License . . . . . }		
2 Broadcast Receiver License for schools, institutions of the blind and crystal sets.	1	2
3 Community Broadcast Receiver license.	3	5
4 Commercial Broadcast Receiver license.	10	20

2. These amendments shall come into force on the 1st day of September, 1951

[T-2/W17-1/51.]

*New Delhi, the 31st August, 1951*

**S. R. O. 1366.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

After clause (cc) of rule 183 of the said Rules, the following clause shall be inserted, namely :—

“(dd) The Secretary, the Indian Central Tobacco Committee, provided that the articles posted by him relate solely to the business of the said Committee.

[C-28-1/51.]

K. V. VENKATACHALAM, Dy. Secy.

## MINISTRY OF LABOUR

*New Delhi, the 29th August, 1951*

**S.R.O. 1367.**—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby directs that the following amendment shall be made in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely :—

To sub-rule (3) of rule 5 of the said Rules, the following proviso shall be added, namely :—

‘Provided that nothing in this sub-rule shall apply to any Coalfield Sub-Committee formed in respect of a coalfield, owned or managed partly or wholly by Government’.

[No. M-2(7)/50.]

P. N. SHARMA, Under Secy.

*New Delhi, the 3rd September 1951*

**S.R.O. 1368.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the dispute between the Tata Aircraft Limited at Titaghur and their workmen.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

*Reference No. 11 of 1951.*

## PRESENT

Shri S. P. Varma, Barrister-at-Law, *Chairman*

## PARTIES :

The Tata Aircraft Limited at Titaghur Air Depot

Vs.

Their workmen.

## APPEARANCES :

*For the Company :* Shri S. M. Basu, Director, Tata Aircraft Limited*For the Union :* Shri Panchanan Bhattacharya, Vice-President, Titaghur Air Depot Mazdoor Union, along with Shri Sailendra Nath Ghose, Member Executive Committee of the Union.

## AWARD

By a notification No. LR-2 (338) dated 27th April 1951 the Government of India in the Ministry of Labour has referred the dispute between the Tata Aircraft Limited at Titaghur Air Depot and their workmen to this Tribunal with regard to two specific issues namely:—

“ 1. Whether the employees are entitled to a gratuity calculated at the rate of one month's pay per year of service in addition to the compensation bonus already allowed.

2. Whether the one month's notice pay allowed should include both basic and dearness allowance.”

2. Before dealing with the issues it is necessary to give a short history of the dispute. The present Titaghur Air Depot which was previously known as the Bengal Air Depot was originally controlled by the U.S. Army Air Forces. There was an agreement between the Government of India and the Tata Aircraft limited on 29th March 1946 on the basis of which the Company was appointed from that very date as agents of the Government of India for the custody and disposal of stores from the American depots at Titaghur and other places in India. A little later the company was asked to take over some other depots also in India. The original agreement was for three years from 29th March 1946 but it was extended from time to time until 30th November 1950 when the agreement was terminated as far as disposal of stores was concerned. Towards the end of 1950 the company was required to transfer the remaining stores to Government custody. This transfer was completed on 20th February 1951. The company after this ceased to carry on the work apart from the work connected with winding up of the show for which a skeleton staff had been kept on Government account. The Titaghur Depot which was known as Bengal Air Depot was the last one of the various stores closed. The agreement was between this company and the Government of India. Extracts from the disposals contract are to be found in Appendix 'A' of the company's written statement. With the decrease of work the staff was retrenched from time to time.



American employment was terminated by the Americans from 15th April 1946. Tatas employment which was almost on the same terms as that of the Americans commenced on 16th April 1946 and ended on 15th June 1946. Then the terms were revised. The employees were offered in writing the revised conditions of service under the Tata Aircraft Limited and their written acceptance was also taken if they wanted to continue in their service.

Appendix B (1) and Appendix B (2) are the agreement and the notice respectively.

3. To continue with the history it appears that on or about 1st October 1946 the Tata Aircraft Workers' Union which was not till then recognised by the company sent a notice of a general strike to come off from the 15th October 1946. That strike began on 15th October 1946 and continued upto 21st October 1946 and a settlement was arrived at by the intervention of the Labour Conciliation Officer. Then from May 1947 the workers went on making representations with regard to certain emoluments on various occasions and some of them were allowed and some of them were not agreed to, with the results that the present Reference has come up before this Tribunal.

4. A preliminary point was taken up by Shri Basu appearing for the company that this Reference is bad in law because the real parties were not before the Tribunal. He relies upon Section 2 (a) of the Industrial Disputes Act 1947 where 'appropriate Government' has been defined and Section 2 (g) where employer has been defined and he says that these two sections should be read together. This work was carried on under the authority of the Central Government and surely the appropriate Government in this case is the Central Government. I see nothing in the definition of the word 'employer' which affects the present reference. On this point alone I am not prepared to hold that the Reference is bad in law.

5. I will now deal with the issues.

#### ISSUE No. 1

1. *Whether the employees are entitled to a gratuity calculated at the rate of one month's pay per year of service in addition to the compensation bonus already allowed.*

6. Shri P.N. Bhattacharya emphasised the points made out in the written statement of his Union and in that connection he referred to the profits made by the company. The statement says that in 1946-47 the company made a profit of Rs. 4,50,000 and in 1947-48 Rs. 8,50,000 and in 1948-49 Rs. 8,25,000 and in 1949-50 Rs. 3,26,000. He says that the company had made enormous profits and therefore they should pay more in the shape of gratuity, bonus, notice pay etc. The claim in this particular issue is with regard to gratuity at the rate of one month's pay per year of service in addition to the compensation bonus already allowed. In the first place looking at the agreement between the company and the Government of India it is doubtful to me whether the income of the company can be said to be profit because they were working as agents of the Government of India and whatever they got they got from the time, labour and money they spent on the business as agents. Moreover, simply because the profit is great the rate of gratuity, bonus, etc. cannot be changed from time to time unless it be by agreement. The real thing to see is whether the workman are getting the proper amount of gratuity under the circumstances.

7. Apart from this line of argument he also says that whereas in other companies similar to Tatas the emoluments of the workers who get Rs. 100 a month as basic pay plus provident fund and dearness allowance for the notice pay comes up to Rs. 7,350 in the case of Tatas the amount comes to Rs. 6,420 only. As against this the company has given me a set of figures from which the company tried to show that

they were paying something like Rs. 8,400. As I said before this is not the criterion on which the question of gratuity can be judged. It is important to note that when there was another Union known as the Tata Aircraft Workers Union in the year 1946 and when the workers went on strike that Union agreed to certain terms and the important part of that agreement is to be found in para 6 of that agreement which has been quoted in para 14 (V) of the company's written statement of 16th July 1951 at page 4. The agreement with regard to this special bonus runs as follows:—

“ 6. In the case of those drawing upto and including Rs. 300 per month a special bonus of two days wages for every month of satisfactory service shall be paid to the employees on retrenchment, subject to their having completed a minimum of six months service, commencing from 1st April 1946. Service prior to 1-4-1946 will not be counted for this purpose.”

8. From the above passage it is clear that the gratuity comes to 24 days per year of service instead of one month's pay for every year of service. This agreement has been in force from that date till the present dispute arose and the demand for one month's wages for every year of service has been made by the present Union which is a party to this Reference. Unless it is shown that there has been some special change in the circumstances or that the agreement was arrived at under certain misunderstandings by the previous Union, I do not see any justification in interfering with that agreement between the Tata Aircraft Workers Union and the company simply because another Union is making a demand on new lines. The new Union was registered in January 1949 but I have not seen the registration certificate but Shri Bhattacharya appearing for the Union gave me the registration as No. 1260 from his files.

I would therefore hold that no case has been made out by the Union for one month's wages per year as gratuity in addition to the compensation bonus already allowed.

#### ISSUE NO. 2

*Whether the one month's notice pay allowed should include both basic pay and dearness allowance.*

9. The Union refers to Ex. 1-2(1) dated 2nd April 1949 which talks about the house rent and compensatory allowance being paid to the workers of the Titaghur Aircraft Company on the same basis as sanctioned for the employees of the Ishapur Ordnance Factory. Then they refer to a letter dated 7th October 1949 which is marked Ex. 1-2(2). This letter has been referred to by the company in para 17(c) of their written statement. The first decision referred to therein is if the government gave notice they would be bound to pay the full salary including the allowances for the period of notice and the amount to be paid in lieu of the notice should therefore be the full salary including the allowances subject to the usual conditions for the drawal of allowances being fulfilled. In their reply to the Union's demand the company admitted that it was only in September 1949 that in their office memorandum No. 20/49/48, Appts. dated 12th September 1949 of the Ministry of Home Affairs the notice pay should include dearness allowance. On these materials I do not see any reason as to why Dearness Allowance should not be included in the notice pay. If a man goes on earned leave for a month he would be entitled to draw this basic pay plus dearness allowance on his return from leave. I do not understand why this difference is made in this instance.

I would therefore give my award that notice pay should include both basic pay and dearness allowance.

A letter has been received from the company showing certain variations in the dearness allowance but that does not affect the general principle.

10. Before I close I must mention that various points were taken up by one side or the other but it is not necessary to go into them because the issues are very clear and well defined, and I therefore, confine myself to the issues as they have been framed in the notification.

I therefore give my award in terms aforesaid, this the 25th day of August 1951.

DHANBAD;  
*Dated the 25th August, 1951*

S. P. VARMA, Chairman,  
Central Government Industrial Tribunal,  
Dhanbad

[No. L.R. 2 (338).]

S. MULLICK, Dy. Secy.

